

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 65

# HOUSE BILL 2021

AN ACT

AMENDING SECTION 42-13402, ARIZONA REVISED STATUTES; RELATING TO VALUATION  
OF LOCALLY ASSESSED PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 42-13402, Arizona Revised Statutes, is amended to  
3 read:

4 42-13402. Identifying common areas; definition

5 A. The county assessor shall identify common areas for valuation under  
6 this article.

7 B. In general, common areas consist of improved or unimproved real  
8 property that is intended for the use of owners and residents of a  
9 residential subdivision or development and invited guests of the owners or  
10 residents and include common beautification areas AND COMMON AREAS USED AS  
11 AN AIRPORT. Areas that do not qualify as common areas shall be valued using  
12 standard appraisal techniques. The following are not considered to be common  
13 areas:

14 1. Common elements of a condominium, as defined in section 33-1202.

15 2. A golf course, as defined in section 42-13151 and valued pursuant  
16 to article 4 of this chapter.

17 C. Property must meet all of the following requirements to be  
18 considered a common area:

19 1. The property must be owned by a nonprofit homeowners' association,  
20 community association or corporation.

21 2. The association or corporation must be organized and operated to  
22 provide for the maintenance and management of the common area property.

23 3. All residential property owners in the development must be required  
24 to be and must actually be members of the association or corporation, or must  
25 be obligated to pay mandatory assessments to maintain and manage the common  
26 areas.

27 4. All members of the association or residential property owners in  
28 the development, their immediate families and, if provided by rules of the  
29 association or corporation, guests must have a right to use and enjoy the  
30 common areas. This right must be appurtenant to and pass with title to each  
31 lot and parcel. The association or corporation may assess fees for  
32 particular uses of individual common areas.

33 5. The common areas must be deeded to the association or corporation.

34 D. FOR PURPOSES OF THIS SECTION "AIRPORT" MEANS RUNWAYS AND TAXIWAYS  
35 THAT ARE USED PRIMARILY BY RESIDENTS OF THE RESIDENTIAL SUBDIVISION BUT THAT  
36 MAY BE DESIGNATED AS A RELIEVER AIRPORT BY THE FEDERAL AVIATION  
37 ADMINISTRATION AND THAT RECEIVES NO PUBLIC FUNDING.

APPROVED BY THE GOVERNOR APRIL 9, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2001.

Passed the House February 19, 2001,

Passed the Senate April 2, 2001,

by the following vote: 56 Ayes,

by the following vote: 28 Ayes,

2 Nays, 2 Not Voting

1 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3 day of April, 2001,

at 12:35 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 9 day of

April, 2001,

at 11:46 o'clock A M.

[Signature]  
Governor of Arizona

H.B. 2021

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 9 day of April, 2001,

at 4:33 o'clock P M.

[Signature]  
Secretary of State